**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR**

**MONDAY, THE 16TH JULY 2007 / 25TH ASHADHA 1929**

**WP(C).No. 20591 of 2007(B)**

**PETITIONER:**

**R.REGHUNATH, S/O.D.RAGHAVAN NAIR,**
**AGED 42 YEARS, ASSISTANT MOTOR VEHICLES INSPECTOR,**
**OFFICE OF THE REGIONAL TRANSPORT OFFICER,PALAKKAD,**
**RESIDING AT 8/964, GANDHI NAGAR, CHANDRANAGAR P.O.**
**PALAKKAD.**

**BY ADV. SRI.MILLU DANDAPANI**

**RESPONDENTS:**

1. **STATE OF KERALA REPRESENTED BY**
   **SECRETARY TO GOVERNMENT, DEPARTMENT OF TRANSPORTS,**
   **SECRETARIAT, THIRUVANANTHAPURAM.**

2. **THE ADDITIONAL TRANSPORT COMMISSIONER,**
   **THIRUVANANTHAPURAM.**

3. **THE REGIONAL TRANSPORT OFFICER, PALAKKAD.**

4. **SHRI.K.G.BIJU, ASSISTANT MOTOR VEHICLES**
   **INSPECTOR, OFFICE OF THE REGIONAL TRANSPORT**
   **OFFICER, ALATHUR.**

**BY ADV. SRI.B.MOHANLAL for R4**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 16/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**WPC.NO.20591/2007 B**

**APPENDIX**

**PETITIONER'S EXHIBITS:**

**EXT.P1:** **COPY OF CERTIFICATE DTD. 3/07/2007 ISSUED TO Ms.GOWRI REGHUNATH BY THE PRINCIPAL, AMRITA VIDYALAYA, PALAKKAD.**

**EXT.P2:** **COPY OF GUIDELINES FOR TRANSFERS AND POSTINGS VIDE G.O.(MS) NO.14/2006/TRANS. DTD. 19/05/2000.**

**EXT.P3:** **COPY OF ORDER NO.A3/4444/TC/2006 DTD.2/07/2007 OF THE 2ND RESPONDENT.**

**EXT.P4:** **COPY OF ORDER NO.A3/827/TC/2005 DTD. 15/05/2006 OF THE TRANSPORT COMMISSIONER, TRIVANDRUM, TO THE 4TH RESPONDENT AND OTHERS.**

**EXT.P5:** **COPY OF REPRESENTATION DTD. 3/07/2007 PREFERRED BY THE PETITIONER BEFORE 1ST RESPONDENT.**

**4TH RESPONDENT'S EXHIBIT:**

**EXT.R4(A):** **COPY OF THE G.O.(RT) NO.129/02/TRANS. DTD. 10/05/2002.**

**/TRUE COPY/**

*KSS*

K.BALAKRISHNAN NAIR, J.

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W.P.(C) NO. 20591 OF 2007-B

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JUDGMENT

The petitioner is an Assistant Motor Vehicles Inspector, working under respondents 1 to 3. He was posted to Palakkad only in 2005. He submits, he has not completed two years' tenure there. By virtue of Ext.P2 norms, he is entitled to continue there for two years, unless there are compelling administrative grounds. While so, by Ext.P3 order dated 2.7.2007, he has been transferred to Wayanad and the 4th respondent has been posted in his place. The petitioner pointed out that the 4th respondent was transferred out from Palakkad to Alathur under Ext.P2 Government order. He also submits that the said transfer was effected based on some vigilance enquiry. Feeling aggrieved by the transfer ordered as per Ext.P3, the petitioner has preferred Ext.P5 representation before the 1st respondent. Thereafter, this writ petition is filed, seeking appropriate reliefs.

2. The learned Government Pleader, upon instructions, submitted that Ext.P2 Government order has since been modified by Ext.R4(a) Government order dated 10.5.2002. As per that order, executive employees

in the Motor Vehicles Department should be mandatorily transferred on completion of one year's service. The 4th respondent has also filed a counter affidavit, supporting the impugned order and he has produced the above said Government order as Ext.R4(a). He also points out that he is not involved in any vigilance enquiry or vigilance case.

3. In view of Ext.R4(a) the very foundation of the case of the petitioner collapses. So, I find nothing illegal with Ext.P3. Accordingly, the challenge against Ext.P3 is repelled. But, if the petitioner is aggrieved by the present place of posting, he will be free to represent against the same before the 2nd respondent. In that event, the said respondent will consider and pass orders on that representation without delay. Subject to that right, the writ petition is dismissed.

16th July, 2007. K.BALAKRISHNAN NAIR, JUDGE

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